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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/849,795

05/21/2004

Mathias Schafforz

P24971

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7055 7590 04/20/2007  
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EXAMINER

EDEL, JOHN B

ART UNIT

PAPER NUMBER

1731

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
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3 MONTHS

04/20/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/20/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/849,795	SCHAFFORZ, MATHIAS	
	<b>Examiner</b>	<b>Art Unit</b>	
	John B. Edel	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 March 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 1-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-30 is/are rejected.
- 7) ☒ Claim(s) 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of Group II in the reply filed on March 26, 2007 is acknowledged. The traversal is on the ground(s) that there is no burden. This is not found persuasive based on the different classifications and different searches required as presented in the previous action.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims **17-21** are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. There is no indication of how either the third air nozzle or the second severing element is related to the invention. It is presumed for the purposes of compact prosecution that all of the components described in the claims have some form of a relationship that allows them to act cooperatively.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **13, 14, 17, 22, and 26-27** are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No 5,779,184 to Kaufmann et al. ("Kaufmann").

As for claim 13, figure 1 of Kaufmann teaches a feed element [paper roll 2], a severing element [splicing point blade 10], a fixing element [guide roll 6], and a suction channel [suction box 4].

As for claim 14, the conveyor path extends from a wrapping material strip supply [splicing roll 10] to said feed element.

As for claim 17, figure 1 of Kaufmann shows a second severing element [cut off blade 10']

As for claim 26, figure 1 of Kaufmann teaches a conveyor path [path of paper travel between paper roll 2 and guide roll 6], a suction channel [suction box 4], a severing element [splicing point blade 10], and a fixing element [guide roll 6].

As for claims 22 and 27, the fixing element is arranged up stream of the severing element.

Claims **13, 15, and 23-30** are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 4,648,409 to Mattei ("Mattei").

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As for claim 13, figure 2 of Mattei teaches a feed element [roller 10], a severing element [knife 34], a fixing element [outer shell 11], and a suction channel [suction unit 35].

As for claims 15 and 23-25, Mattei teaches a cigarette rod maker for making rods of smokeable material [abstract].

As for claim 16, figures 2-4 of Mattei shows an air nozzle<sup>1</sup> [restriction leading to suction unit 35] in the suction channel.

As for claim 26, figures 2-4 of Mattei teach an apparatus with a suction channel [suction unit 35], a conveyor path [path of paper 4 in figure 2], a severing element [knife 34], and a fixing element [roller 10].

As for claim 27, the fixing element is positioned upstream of the fixing element.

As for claims 28-30, multiple air nozzles [air suction conduits 13] perform the claimed functions of the first through third air nozzles claimed.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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<sup>1</sup> Nozzle is interpreted broadly to include such meanings as 'a short tube or duct that usually tapers or has a restriction.'

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim **18** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufmann as applied to claim 17, further in view of United States Patent No. 5,314,132 to Ando et al. ("Ando"). Ando discloses that which is not expressly disclosed by Kaufmann, namely that individual severing elements may have individual air nozzles as part of the severing means [col. 1 lines 30-45]. At the time of the invention, it would have been obvious to a person having ordinary skill in the art of handling paper webs to use the knife air jet combination of Ando [col. 1 lines 30-45] as the second severing element in Kaufmann because Ando teaches such means in connection with moving webs of paper, i.e. teaching the combination as a substitute for a blade alone [col. 1 lines 30-45]. Ando and Kaufmann are analogous because both relate to severing traveling webs of paper.

***Allowable Subject Matter***

Claim **31** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Mattei, the closest relevant prior art, does not teach an air curtain. It is deemed by the examiner that there is insufficient motivation to modify Matei to include such an air curtain.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Edel whose telephone number is (571) 272-4804. The examiner can normally be reached on 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JBE

  
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